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GENERAL EXCHANGE OF VIEWS ON THE SECOND REVIEW AND APPRAISAL OF THE IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN TO THE YEAR 2000

The extent to which gender concerns have been included in the activities of the United Nations human rights mechanisms

Report by the Secretary-General

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INTRODUCTION

1. The General Assembly, in its resolution 49/161, requested the Secretary-General to prepare a report for the Fourth World Conference on Women on the extent to which gender concerns had been included in the activities of the relevant human rights mechanisms of the United Nations, such as treaty monitoring bodies, rapporteurs and working groups.

2. The present report describes the steps that have been taken to ensure that gender concerns have been included in the activities of the relevant human rights mechanisms, including those serviced by the Centre for Human Rights of the United Nations Secretariat and by the Division for the Advancement of Women, Department for Policy Coordination and Sustainable Development of the United Nations Secretariat.

I. HUMAN RIGHTS MECHANISMS

A. Human rights treaty bodies

3. In compliance with the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, the fifth meeting of chairpersons of human rights treaty bodies, held in September 1994, adopted a number of recommendations relevant to women's human rights. Indeed, discussion of the issue has never been so extensive: the chairpersons stressed that all human rights contained in the international instruments applied fully to women; that the equal enjoyment of those rights should be closely monitored by each treaty body within the competence of its mandate; and that a common strategy should be developed by the treaty bodies in that regard. Since reports submitted by States parties often did not contain adequate information on the actual enjoyment by women of their human rights and because such information had not been forthcoming from other sources, the chairpersons recommended that each treaty body, where appropriate, consider amending its guidelines for the preparation of States parties' reports so that such guidelines contained a request for information, from States parties on the situation of women under the terms of each instrument, including disaggregated statistical data.

4. The chairpersons decided that they would devote their sixth meeting, to be held in Geneva from 18 to 22 September 1995, to ways of more effectively monitoring the human rights of women. In preparation for that meeting, the chairpersons invited each treaty body to consider how the monitoring of the human rights of women might be enhanced within the competence of its mandate.

5. As to specific action, a number of steps have been taken by the human rights treaty bodies to address all the forms of discrimination that women suffer in violation of the provisions of international human rights treaties. It should be noted that all of the work of the Committee on the Elimination of Discrimination against Women (CEDAW) addresses discrimination against women and has been reported separately (A/CONF.177/7). Examples of steps undertaken by other human rights treaty bodies are provided below.

1. Human Rights Committee

6. The Human Rights Committee is responsible for monitoring States Parties' compliance with the International Covenant on Civil and Political Rights. The Committee also receives complaints from individuals who allege to have suffered human rights violations in the same regard.

7. When the Committee lists issues relating to States' reports, it always refers to questions on women's participation in civil, political, economic, social and cultural life in the country concerned, and on female citizens' access to schools and universities. The Committee frequently urges States to take further measures to improve respect for women's rights under the Covenant.

8. In its last report to the General Assembly, for example, the Human Rights Committee raised the issues of women's human rights in Japan, Cameroon, Togo and Jordan. It expressed similar concerns when it examined the recent report of Nepal. The Committee deplored the fact that the above-mentioned countries had not yet embarked on all the necessary reforms to eliminate conditions still impeding gender equality. The Committee condemned the persistence of the practice of trafficking in women as a clear violation of several provisions of the Covenant. It also emphasized the need for efforts by Governments to eliminate discriminatory attitudes and prejudices against women and to ensure their equal rights, as set out in article 3 of the Covenant. Having examined the report of Ireland in 1993, the Committee recommended that that Government undertake further measures to achieve gender equality through law enforcement, the legal profession and the judiciary (see A/49/40).

9. Having reiterated the basic character of the principle of non-discrimination, the Human Rights Committee pointed out that States Parties should, if necessary, take affirmative action to eliminate the conditions that foster the perpetuation of the discrimination prohibited by the Covenant. The Committee has also developed some jurisprudence relevant to the promotion and protection of women's human rights in individual cases dealt with under the Optional Protocol to the International Covenant on Civil and Political Rights. Women living in countries that have ratified the Optional Protocol are thereby able to bring complaints about violations of their rights of equal entitlement as protected by the Covenant (see A/49/40).

10. On 14 October 1994, the pre-sessional working group of the Committee reviewed various recommendations of the World Conference on Human Rights on the integration of women's equal status and human rights into the work of the human rights treaty bodies. The Working Group recommended that:

(a) A general comment be adopted on the status and human rights of women under the International Covenant on Civil and Political Rights;

(b) Concrete questions on the equal status and human rights of women be included in lists of issues;

(c) The guidelines of the Committee be amended to request States parties to provide gender-specific information in their reports.

11. The Committee discussed the above-mentioned suggestions extensively at its fifty-second and fifty-third sessions (14 October-4 November 1994 and 20 March-7 April 1995). The general comment on article 3 of the Covenant, dealing with measures to ensure the equal rights of men and women, may be revised in 1995.

2. Committee on Economic, Social and Cultural Rights

12. The Committee on Economic, Social and Cultural Rights is in charge of monitoring States parties' compliance with the provisions of the International Covenant on Economic, Social and Cultural Rights. The Committee pays particular attention to the measures undertaken by States parties to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in articles 6 to 15 of the Covenant.

13. In its examination of States parties' reports, the Committee takes into account both the information provided by States under the Convention on the Elimination of All Forms of Discrimination against Women and the deliberations and findings of CEDAW. Having realized the inadequacy of information on women, the Committee on Economic, Social and Cultural Rights revised its reporting guidelines in 1990 in order to, inter alia, bring the guidelines into line with article 3 of the Covenant and with its own practice (see E/C.12/1991/1). The Committee always requests gender-specific data from States parties. At its eleventh session, the Committee requested, in its written lists of issues, information about the gender equality of remuneration, gender-based problems in the labour market, measures taken to protect women migrant workers, women's right to inheritance from their parents, and gender-desegregated statistical data on the number of persons with human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) (see E/C.12/1994/WP.10, 13 and 14).

14. At its eighth session, in May 1993, the Committee decided to amend its rules of procedure to replace the word "chairman", wherever it occurs, with the gender-neutral word "chairperson" in order to promote gender awareness. The term "chairperson" will henceforth be used in Committee documents.

15. At the opening meeting of its eleventh session (21 November-9 December 1994), the Committee on Economic, Social and Cultural Rights decided to prepare a statement for the Fourth World Conference on Women that would underline the importance of the relation between the implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights and the promotion and protection of women's equal status and women's human rights. On the day of general discussion at the same session, the central theme was "Human rights education". The Committee discussed some obstacles to women's education in general and restraints to women's education about their human rights in particular, including early marriage, dowry systems, poverty and son preference. The participants at the meeting also underlined the necessity of focusing on girl children to improve their access to quality education.

3. Committee on the Rights of the Child

16. The Committee on the Rights of the Child has the mandate for monitoring States parties' compliance with the Convention on the Rights of the Child, which is the most widely ratified international instrument in the field of human rights (168 States parties as of January 1995).

17. A number of the activities of the Committee concerning the implementation of the Convention on the Rights of the Child have a direct bearing on issues of gender equality, because the human rights of the girl child are also under the protection of the Convention. The Committee has designated one of its members to follow activities carried out by CEDAW and to regularly inform the Committee on the Rights of the Child on main developments in CEDAW.

18. In accordance with the reporting guidelines of the Committee, States parties are required, when submitting reports on the implementation of the Convention, to provide gender-specific information, statistical data and indicators on various issues covered by the Convention. When considering reports submitted by States parties, the Committee stresses the need for concerted efforts on specific problems, such as discrimination against the girl child, early marriage, maternal health care, early pregnancies, family-planning education and services, prejudicial health practice, the denial of educational opportunities to girls, their exploitive use in child labour, and sexual abuse and exploitation. Such concerns, as well as suggestions for preventive, remedial and rehabilitative measures for dealing with them, are reflected in the concluding observations adopted by the Committee.

19. In its most recent report, the Committee on the Rights of the Child voiced its concern about issues related to gender discrimination in a number of countries, such as Bolivia, Viet Nam, the Russian Federation, El Salvador, Indonesia, Romania, the Sudan, Costa Rica, Namibia, Egypt, Pakistan, Burkina Faso, Honduras, Madagascar and Paraguay (see A/49/41). The Committee recommended developing strategies and educational programmes, with adequate dissemination of information, to challenge the gender prejudices affecting children. A major effort was recommended to widen educational campaigns so that they focus on gender discrimination and the role of parents in the prevention of gender violence and abuse in the family.

20. During its general discussion of the girl child on 22 January 1995, the Committee reviewed its work and its crucial role in monitoring the Convention on the Rights of the Child, recalling both its achievements and the difficulties it had encountered in the promotion and protection of the human rights of girls. Having fully recognized that gender inequality was mainly caused by discrimination, the persistence of traditions and prejudices, neglect, exploitation and violence, the Committee emphasized the importance of the complementary and mutually reinforcing nature of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women at the international and national levels. The Committee also emphasized the need to identify specific areas in which legal reform should be undertaken, in both civil and penal jurisdictions, such as the minimum age for marriage and the establishment of the age of criminal responsibility upon the attainment of puberty. Accordingly, the Committee adopted a comprehensive

strategy to create an awareness and understanding of the principles and provisions of the Convention; launch educational programmes to eradicate any form of discrimination against the girl child; and encourage the participation of all segments of society, including non-governmental organizations and customary, religious and community leaders.

21. The Committee on the Rights of the Child has also paid due attention to the situation of girl children when considering thematic issues in the framework of its general discussion days. In the light of its decision to be actively involved in and contribute to the preparatory process of the Fourth World Conference on Women, at its eighth session, on 23 January 1995, the Committee held a general discussion on the theme "The girl child" with a view to making its conclusions available in time to be considered and reflected in the Platform for Action to be adopted by the Conference. In the course of the general discussion, the crucial role of the Committee in monitoring the situation of the girl child through the consideration of gender-disaggregated data was underlined, as well as the impact its recommendations could have on the situation of the girl child in terms of legislative and practical measures. The role of the Committee in mobilizing international cooperation to implement the rights of the girl child was also stressed.

B. The Commission on Human Rights and its subsidiary bodies

1. The Commission on Human Rights

22. Since 1993, the Commission on Human Rights has considered the promotion and protection of women's human rights on its agenda. A Special Rapporteur on Violence Against Women was appointed in 1994. During its fifty-first session, in 1995, the Commission adopted four resolutions that directly concern women's human rights: on the elimination of violence against women (1995/85); on violence against women migrant workers (1995/20); on traffic in women and girls (1995/25); and on the question of integrating the human rights of women into United Nations human rights mechanisms (1995/26). In those four resolutions, the Commission stressed the need to intensify efforts and strengthen cooperation, at both the national and international levels, in order to integrate the human rights of women into the mainstream human rights activities of the United Nations system. To promote and protect women's human rights, the Commission called on Governments to include gender-disaggregated data, including information on the de jure and de facto situation of women, for the use of United Nations human rights mechanisms. In addition, in its resolution 1995/86, the Commission requested that Governments and the United Nations include information on the human rights of women in their human rights education activities.

23. In the same resolution, the Commission requested special rapporteurs, representatives, experts, working groups and other relevant mechanisms of the Commission and its Subcommission on Prevention of Discrimination and Protection of Minorities to include information on violations of the human rights of women in their reports, regularly and systematically, and to address such violations in their future meetings on enhancing cooperation and exchange of information.

The Commission has also called upon the international and national communities to intensify their efforts to promote and protect the human rights of women.

24. Also in the same resolution, the Commission recommended that the Fourth World Conference on Women consider the question of how to integrate the human rights of women into the mainstream human rights activities of the United Nations system.

25. The Commission on Human Rights recommended that relevant human rights bodies and mechanisms participate in the Fourth World Conference in Beijing so as to contribute to the success and achievement of the Conference. In this context, a number of experts from human rights bodies and mechanisms will participate in the activities being organized during the Conference.

26. In its resolution 1995/85, the Commission reaffirmed that discrimination on the basis of sex is contrary to the Charter of the United Nations. In the same resolution, the Commission condemned all acts of gender-based violence against women, including all violations of the human rights of women in armed conflicts. The Commission also requested all government and human rights treaty bodies, special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies, and international and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur on violence against women in the performance of the task and duties mandated, in particular to respond to her requests for information on violence against women, its causes and its consequences.

27. The Commission has been equally alert about gender-based violence against women and girl children from developing countries and from countries with economies in transition. In Commission resolution 1995/25, Governments were urged to take appropriate measures to address the problem of trafficking in women and girl children, and to ensure that the victims are provided with the necessary assistance, support, legal advice, protection, treatment and rehabilitation. The problems of trafficking in women and girl children were recommended for consideration in the context of the implementation of all relevant international legal instruments. Grave concern has also been expressed about the conditions of women migrant workers, who are subjected to physical, mental and sexual harassment and other abuses (see Commission resolution 1995/20). Relevant treaty-monitoring bodies and non-governmental organizations were also requested to include the situation of women migrant workers in their deliberations and findings, and to supply relevant information to United Nations bodies. States concerned were further requested to take appropriate measures to ensure that law-enforcement officials assist in guaranteeing the full protection of the rights of women migrant workers.

28. In its resolution 1995/61, the Commission requested the Secretary-General to pay particular attention to and to adopt any necessary measures for the recruitment by the Centre for Human Rights of women and of persons from developing countries.

29. The promotion and protection of women's rights has undoubtedly emerged as an important item on the agenda of the Commission on Human Rights, which gives

special attention to women in its consideration of a wide range of human rights issues. In its resolution 1995/87, the Commission noted that some human rights violations are specific to or are primarily directed against women, and that the identification and reporting of such violations demands specific awareness and sensitivity.

30. Thematic special rapporteurs and working groups have been called upon to include gender-disaggregated data in their reports and to address the characteristics and practice of human rights violations that are specifically or primarily directed against women or to which women are particularly vulnerable.

31. As to the violations of women's human rights in armed conflicts, especially in former Yugoslavia, the Commission has strongly condemned such violations, including rape and sexual abuse against women. In its resolution 1995/89, the Commission stated that the systematic practice of rape as a weapon of war against women and children constitutes a war crime that cannot be justified under any circumstances.

2. Gender consideration by the special rapporteurs and working groups

32. In compliance with resolutions 1993/46, 1994/45 and 1995/86 of the Commission on Human Rights, several special rapporteurs have devoted particular attention to the equal status and human rights of women. They have generally underlined the discrimination that women still face, particularly in the areas of education, employment, and politics; some consider women separately in order to emphasize their special difficulties.

33. In her preliminary report, which is being made available to the Conference (E/CN.4/1995/42), the Special Rapporteur on violence against women focused on analysis of the causes and consequences of violence against women and the relevant international legal standards and human rights instruments.

34. Several special rapporteurs have referred to the violation of women's human rights and/or specific discrimination directed against women. As indicated in the report of the Secretary-General to the Subcommission (E/CN.4/Sub.2/1995/22), the main areas of concern dealt with by special rapporteurs include participation in political activity and decision-making; women's right to full legal status and legal protection; freedom of opinion and expression; women's right to life and security; freedom of movement; the sexual exploitation of women; gender-based torture and degrading treatment; the violation of women's right to education; the right to work; and the right to health care.

35. Reports from a number of special rapporteurs and working groups indicate that the ratification and implementation of international human rights instruments has not been satisfactory. Their recommendations are largely general rather than focused on specific rights: it has generally been felt necessary and urgent to call for the respect of the non-discrimination principle, the conformity of national legislation to the Convention on the Elimination of All Forms of Discrimination against Women, accession to

international human rights instruments, the elimination of discriminatory practices and the abrogation of laws that discriminate against women.

36. The importance of women's participation in the development process has been emphasized by the Working Group on the Right to Development. The Working Group discusses this issue regularly, reiterating that continuing discrimination against women, which prevents their full participation in economic, political, social and cultural life, constitutes a major obstacle to the implementation of the Declaration on the Right to Development.

37. The Working Group on Contemporary Forms of Slavery discusses the sexual exploitation of women, especially during wartime, and the importance of compensation for its victims. It also raises related issues, such as discrimination against women in the family and early marriage. The Working Group recommended that treaty bodies pay particular attention to respect for the provisions of international instruments concerning the prohibition of slavery and the slave-trade; the elimination of traffic in women; the suppression of the exploitation of women; equality in marriage; protection against the economic exploitation of women; and sexual abuse.

3. Gender consideration by the Subcommission on Prevention of Discrimination and Protection of Minorities

38. In August 1994, the Subcommission on Prevention of Discrimination and Protection of Minorities decided to consider the human rights of women and the girl child under every relevant item of its agenda and in all relevant studies. It requested that States provide a gender perspective in the analyses and recommendations contained in all the reports that they submit.

39. At its forty-sixth session, the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1994/43 of 26 August 1994, requested the Secretary-General to report to the Subcommission at its forty-seventh session on certain steps taken since the World Conference on Human Rights concerning the integration of the human rights of women and the girl child into the human rights activities of the United Nations system. The report described actions taken by special rapporteurs, experts, working groups, treaty bodies and other mechanisms of the Commission on Human Rights to that end.

40. In addition, the Subcommission continues to examine the problem of harmful traditional practices affecting the health of women and children. The Subcommission adopted a plan of action for the elimination of those practices, which is being made available to the Conference (E/CN.4/Sub.2/1994/10/Add.1). The Subcommission also recommended the extension of the mandate of the Special Rapporteur for two more years in order to enable her to undertake an in-depth study to assess, inter alia, the differences and similarities between traditional practices affecting the health of women and children in many parts of the world; her preliminary report (E/CN.4/Sub.2/1995/6) was considered by the Subcommission at its forty-seventh session.

II. GENDER CONCERNS IN THE OVERALL ACTIVITIES OF THE CENTRE FOR HUMAN RIGHTS

41. The focal point for the human rights of women at the Centre for Human Rights of the United Nations Secretariat continues to be responsible for coordinating the activities of the Centre for the implementation of both the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, in particular as regards the status and human rights of women, and the recommendations of human rights bodies.

42. The Centre has devoted its efforts to ensuring that human rights bodies, mechanisms and staff members in the Centre integrate a gender dimension into their work. The focal point for the human rights of women has been cooperating and coordinating activities on human rights of women with the Division for the Advancement of Women of the United Nations Secretariat, other bodies within the United Nations system and non-governmental organizations. Its goal is to elaborate a system-wide action plan to implement both the gender-based recommendations made in the World Conference on Human Rights and the recommendations contained in the Platform for Action of the Fourth World Conference on Women. In particular, the focal point has presented the Centre's concerns on the human rights of women at relevant meetings organized by the Division for the Advancement of Women, and has participated in the annual sessions of the Commission on the Status of Women, inter-agency meetings on women and major non-governmental organizations forums on women.

43. The focal point for the human rights of women advises the Assistant Secretary-General for Human Rights and the High Commissioner for Human Rights on measures to be taken for the integration of gender concerns within human rights activities.

44. All training courses and seminars in the administration of justice now contain a practical component on the human rights of women. The beneficiaries of such training and seminars are mainly judges, lawyers, prosecutors, police officers and prison personnel; their objective is to sensitize participants to their own potential for violative behaviour, as well as to the important protective role that they may play.

45. With specific gender-based instructions, progress in the promotion and protection of women's human rights has been clearly reflected in some assessment missions.

46. The Centre for Human Rights contributed to all relevant documentation in preparation for the Fourth World Conference on Women. The Centre published fact sheets in 1995 on the Convention on the Elimination of Discrimination Against Women, the work of CEDAW and United Nations activities undertaken for the elimination of harmful traditional practices affecting the health of women and the girl child.

47. The Centre will strengthen gender-sensitive training within its programme of technical assistance for human rights issues. Gender-specific and gender-sensitive guidelines for the integration of the human rights of women into human rights activities and programmes of the United Nations system will be based on

the recommendations of the expert group meeting that was organized by the Centre in cooperation with the United Nations Development Fund for Women, which is described below.

48. In cooperation and co-sponsorship with the United Nations Development Fund for Women, the Centre for Human Rights organized an expert group meeting on the drafting of specific gender-sensitive guidelines for the integration of the status and human rights of women into United Nations human rights mechanisms and activities; the meeting was held in Geneva from 3 to 7 July 1995. The meeting brought together experts from treaty bodies and practitioners in women's human rights from both human rights and women's rights organizations, as well as representatives of relevant organizations and bodies of the United Nations system, to examine and address the problems and obstacles that confront the mainstreaming of women's human rights into United Nations human rights mechanisms.

49. The meeting was organized in compliance with mandates concerning the need to integrate the human rights of women into the human rights mechanisms and activities of the United Nations.

50. The expert group meeting adopted a draft report (currently being completed) that outlined some principles relevant to providing human rights theory and practices with a gender perspective, as well as other relevant issues to be considered by the various human rights mechanisms and bodies in carrying out their activities. The experts also formulated some recommendations for follow-up action to assist each human rights mechanism or body in developing its own gender-sensitive methodology specific to its own area and in transforming all its existing guidelines and methods of work to make them gender-sensitive.

III. ACTIVITIES BY THE DIVISION FOR THE ADVANCEMENT OF WOMEN

51. The General Assembly, in its resolution 49/161, requested the Commission on the Status of Women to continue to examine the implications of the World Conference on Human Rights and the Vienna Declaration and Programme of Action adopted by that Conference for the Commission's central role in matters related to the rights of women within the United Nations system, and to report to the Economic and Social Council at its substantive session of 1995. The Assembly also requested the Secretary-General to prepare a report for the Commission, for consideration at its thirty-ninth session, on steps to be taken by the Division for the Advancement of Women, in cooperation with other United Nations bodies, specifically the Centre for Human Rights, to ensure that the relevant human rights mechanisms of the United Nations, such as treaty-monitoring bodies, rapporteurs and working groups, regularly addressed violations of the rights of women, including gender-specific abuses.

52. The secretariat accordingly submitted a report (E/CN.6/1995/13) to the Commission on the Status of Women at its thirty-ninth session. The Commission, on the basis of its deliberations, adopted resolution 39/5, entitled "Mainstreaming the human rights of women", in which it recommended that the Division for the Advancement of Women provide input for the next meeting of chairpersons of human rights treaty bodies in order to assist treaty bodies in

addressing violations of the human rights of women; encouraged the Division to provide any relevant material it received or prepared through the Centre for Human Rights for the information of the treaty bodies in their work, and also to provide information to the Special Rapporteur on violence against women; encouraged both the Division and the Centre for Human Rights to explore the possibility of organizing training in the area of the human rights of women; encouraged the efforts of the United Nations High Commissioner for Human Rights, within his mandate, to promote and protect the human rights of women; and requested the Secretary-General to arrange the preparation of a joint work plan on the human rights of women for the Centre for Human Rights and the Division for the Advancement of Women, to inform both the Commission on Human Rights and the Commission on the Status of Women of the work plan, and to report to both bodies at their 1996 sessions on the implementation of the resolution.

53. The Division for the Advancement of Women, in consultation with the Centre for Human Rights, is preparing the requested inputs and reports.